

### **REMARKS**

Upon entry of this amendment, claims 1-10, 13, 14, 19, 20, 25, 26 and 31 are all the claims pending in the application. Applicants acknowledge that the Examiner has made the restriction requirement final and has examined claims 1-10, 13, 14, 19, 20, 25 and 26. Claims 11, 12, 15-18, 21-24 and 27-30, which were withdrawn from consideration as being drawn to a non-elected invention, have been cancelled. Claim 31 has been added as a new claim.

Applicants submit that claim 31 reads on the elected species. No new matter has been added.

Applicants submit herewith a substitute specification and abstract which include editorial amendments made for grammatical and general readability purposes. No new matter has been added. Also enclosed is a marked-up copy of the original specification and abstract showing the changes incorporated into the substitute specification and abstract.

#### **I. Objection to the Drawings**

The Examiner objects to the drawings for the reasons set forth on page 3 of the Office Action. In particular, the Examiner asserts that Fig. 22 should be labeled with reference numbers 1201-1207 instead of reference numbers 1101-1106 in order to be consistent with the specification.

Applicants note that a Japanese language version of the application was originally filed on March 29, 2000. In the application as originally filed, Fig. 22 included the incorrect reference numerals for Fig. 22 (i.e., 1101-1106). However, in response to a Notice to File Missing Parts, Applicants submitted an English version of the application on July 21, 2000. In the English version of the application, Fig. 22 included the correct reference numerals (i.e., 1201-1207).

Accordingly, Applicants submit that Fig. 22 is labeled properly, and therefore, respectfully request that the objection be reconsidered and withdrawn.

In addition, Applicants note that a replacement sheet for Fig. 12 is being submitted concurrently herewith, under separate cover. In Fig. 12, reference numeral "101" is replaced with reference numeral --2101-- in order to be consistent with the specification (see page 14, line 13 of the specification).

Further, for the Examiner's convenience, Applicants submit herewith replacement sheets for Figs. 1-23. Figs. 1-11 and 13-23 correspond to the drawings filed on July 21, 2000 in response to the Notice to File Missing Parts and Fig. 12 incorporates the change discussed above.

## **II. Claim Rejections under 35 U.S.C. § 112, second paragraph**

Claim 1 stands rejected under 35 U.S.C. 112, second paragraph as being indefinite. In particular, the Examiner asserts that the phrase "substantially opposite to a direction of said passive radiator unit" renders the claim indefinite.

In an effort to expedite prosecution, Applicants hereby amend claim 1 so as to remove the term "substantially" from the claim, and therefore, respectfully request that the rejection be withdrawn. Applicants note, however, that the claim does not require that the speaker unit be disposed in a direction that is exactly opposite to the direction of the passive radiator unit. Due to manufacturing tolerances, one of ordinary skill in the art would recognize that some degree of offset is expected.

## **III. Claim Rejections under 35 U.S.C. § 102**

Claims 1-3, 6-9, 13 and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Funahashi et al. (EP 0 800 330 A2).

Claim 1, as amended, recites the feature of a first closed chamber that is formed from a speaker unit, a passive radiator unit, and a baffle, wherein the baffle has as a unitary structure. Applicants submit that Funahashi fails to disclose or suggest at least this feature of claim 1.

As shown in Figs. 1 and 2 of Funahashi, a speaker unit 402, a passive radiator unit 401, and a baffle 403 form an open chamber which can only be closed by mounting a sub-baffle 406 (See Fig. 2 and col. 5, lines 4-9). Thus, in Funahashi, a first closed chamber is formed from the speaker unit 402, the passive radiator unit 401, the baffle 403 and the sub-baffle 406 (see Figs. 1 and 2).

Accordingly, Applicants respectfully submit that Funahashi fails to disclose or suggest that a first closed chamber is formed from a speaker unit, a passive radiator unit, and a baffle, wherein the baffle has a unitary structure, as recited in claim 1. That is, in Funahashi, the speaker

apparatus requires the addition of a sub-baffle 406 in order to form the closed chamber. In the present invention, however, by eliminating the need to mount a sub-baffle to form a first closed chamber, unwanted vibrations produced by the sub-baffle can be eliminated.

Based on the foregoing, Applicants respectfully submit that Funahashi fails to disclose, suggest, or otherwise render obvious all of the features recited in claim 1. Accordingly, Applicants submit that claim 1 is patentable over Funahashi and respectfully request that the Examiner withdraw the rejection. Claims 2, 3, 6-9, 13 and 19 depend from claim 1, and are therefore considered patentable at least by virtue of their dependency.

In addition, claim 2 has been amended to recite that a sub-baffle is disposed between the passive radiator unit and the baffle. As shown in Figs. 1 and 2 of Funahashi, the sub-baffle 406 is clearly not disposed between the passive radiator unit 401 and the baffle 403. Accordingly, Applicants submit that claim 2 is patentable and respectfully request that the Examiner reconsider and withdraw the rejection.

Further, claim 13 has been amended to recite that a plate portion of the speaker unit is exposed to an outside of the speaker apparatus. As shown in Figs. 1 and 2 of Funahashi, the speaker unit 402 is fully contained within the speaker apparatus, and is not exposed to the outside of the speaker apparatus in any manner. Accordingly, Applicants submit that claim 13 is patentable and respectfully request that the Examiner reconsider and withdraw the rejection.

#### **IV. Claim Rejections under 35 U.S.C. § 103(a)**

Claims 4, 5, 10, 14, 20, 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Funahashi et al. in view of Perkins et al. (U.S. 6,259,798).

Claims 4, 5, 10, 14, 20, 25 and 26 depend from claim 1. The Examiner applies Perkins for teaching the use of a speaker having vents or ports and a heat sink such as internal webs or fins. Applicants submit, however, that Perkins fails to cure the deficiencies of Funahashi as discussed above regarding claim 1.

Accordingly, as the combination of Funahashi and Perkins fails to teach or suggest the feature of a first closed chamber that is formed from a speaker unit, a passive radiator unit, and a

baffle, wherein the baffle has a unitary structure, Applicants submit that claims 4, 5, 10, 14, 20, 25 and 26 are patentable at least by virtue of their dependency.

#### **V. Obviousness-Type Double Patenting Rejection**

Claims 1 and 13 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,031,919 (hereafter referred to as "the '919 Patent").

As discussed above, claim 1 has been amended to recite the feature of a first closed chamber that is formed from a speaker unit, a passive radiator unit, and a baffle, wherein the baffle has a unitary structure. Applicants submit that claim 3 of the '919 Patent does not recite such a feature. Further, Applicants submit that claim 3 of the '919 Patent also does not render obvious such a feature. Regarding claim 13, Applicants note that claim 13 was amended in the amendment filed on December 3, 2003 so as to depend from claim 1.

Based on the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw the double patenting rejection.

#### **VI. New Claims**

Claim 31 is added as a new claim. Claim 31 recites the feature of an opening that is provided for exposing a plate portion of the speaker unit to an outside of the speaker apparatus. As discussed above regarding claim 13, Applicants submit that Funahashi fails to disclose or suggest such a feature. Accordingly, Applicants submit that claim 31 patentably distinguishes over Funahashi, an indication of which is respectfully requested.

#### **VII. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

THE COMMISSIONER IS AUTHORIZED  
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Respectfully submitted,

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